

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MCRCA No. 737 of 2017

(Arising out of Crime No. 93 of 2017 registered at Police Station S. Lohara, Distt. Kabirdham for the offence punishable under section 34(2) of the C.G. Excise Act)

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Govinda Jhariya S/o Bhagat Jhariya, Aged About 28 Years R/o Village Noonchhapar,
Police Station Sahaspur Lohara, Civil And Revenue District Kabirdham, Chhattisgarh. ---
Petitioner

Versus

State of Chhattisgarh through District Magistrate/ Station House Officer, Police Station
Sahaspur Lohara, District Kabirdham (Chhattisgarh). --- **Respondent**

29.11.2017	Mr. Dharmesh Shrivastava, counsel for the petitioner. Mr. Ramakant Pandey, Panel Lawyer, for the State. This is first bail application filed u/s 438 of the Code of Criminal Procedure for grant of anticipatory bail. Considering the fact that the offence is punishable under section 34(2) of the C.G. Excise Act and the applicant was absconding and further taking into fact that after conclusion of the trial against one of the accused the petition has been filed, it is not tenable in view of the bar contained in section 59-A of the C.G. Excise Act. Accordingly, this petition is dismissed as not tenable. Sd/- GOUTAM BHADURI JUDGE
Rao	